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13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA,) No. CR 11-00393 THE
18 Plaintiff,)
19 v.)
20 JAMES STANLEY WARD,)
21 EDWARD GEORGE LOCKER,)
22 RICHARD FERGUSON TIPTON, and)
23 DAVID CHING HSIU LIN,)
24 Defendants.)
25)
26)
27)
28)

**STIPULATION AND [PROPOSED]
ORDER RE: RESTITUTION
PROCEEDINGS**

22 The United States of America, through the United States Attorney for the Northern District
23 of California, defendant James S. Ward (“Ward”), through his counsel Geoffrey Hansen,
24 defendant Edward G. Locker (“Locker”), through his counsel Anthony Brass, defendant Richard
25 F. Tipton (“Tipton”), through his counsel Lidia Stiglich, and defendant David C.H. Lin (“Lin”),
26 through his counsel Charles Smith, hereby stipulate and agree as follows:

27 1. WHEREAS, this Court sentenced the defendants as follows: Ward on August 20,
28 2012, Tipton and Lin on September 24, 2012, Locker on October 15, 2012;
STIPULATION RE: RESTITUTION PROCEEDINGS
CR 11-00393 TEH

1 2. WHEREAS, in connection with those sentencing proceedings, the United States
2 has requested, pursuant to 18 U.S.C. § 3664(d)(5), that the Court determine restitution in a
3 separate proceeding;

4 3. WHEREAS, by prior stipulation of the parties, the Court set a schedule for briefing
5 and a hearing on restitution, the parties submitted briefing, and the hearing was to be held on
6 October 29, 2012;

7 4. WHEREAS, the Court was unavailable to conduct the hearing on October 29;

8 5. WHEREAS, defendants Ward and Locker reside in Ohio, and the United States
9 does not object to their request that the Court waive their personal appearance at a subsequent
10 restitution hearing;

11 6. NOW, THEREFOR, the parties hereby stipulate and agree as follows:

12 A. 18 U.S.C. § 3664(d)(5) further provides that “the court shall set a date for
13 the final determination of the victim’s losses, not to exceed 90 days after sentencing.”

14 B. In order to comply with the above-referenced statute, the parties seek an
15 order of the Court, entered prior to the expiration of the 90-day cut-off date from the date of the
16 earliest sentence imposed (*i.e.*, prior to November 20, 2012), that the Court will amend the
17 judgments of each defendant to an include an order of restitution, leaving open only the amount to
18 be ordered. *See Dolan v. United States*, 130 S. Ct. 2533 (2010).

19 C. The final restitution hearing shall be held on December 3, 2012, at 10:00
20 a.m. in Courtroom 2, 17th floor.

21 D. The United States does not object to the request of defendants Ward and
22 Locker for an order waiving their personal appearance at the December 3, 2012, hearing.

24 DATED: November 1, 2012

/s _____
25 ANTHONY BRASS
Counsel for Defendant Locker

27 DATED: October 30, 2012

/s _____
28 LIDIA STIGLICH
Counsel for Defendant Tipton

1
2 DATED: October 30, 2012

/s
3 GEOFFREY HANSEN
Counsel for Defendant Ward

4 DATED: October 30, 2012

/s
5 CHARLES SMITH
Counsel for Defendant Lin

7 DATED: November 1, 2012

/s
8 THOMAS E. STEVENS
Assistant U.S. Attorney

11 **[PROPOSED] ORDER**

12
13 Based upon the Stipulation by the parties and for good cause shown, IT IS HEREBY
14 ORDERED that the defendants are ordered to pay restitution, for which they are jointly and
15 severally liable, in an amount to be finally determined at a restitution hearing to be held at 10:00
16 a.m. in Courtroom 2, 17th Floor, on Monday, December 3, 2012. The Court waives the
17 requirement that defendants Ward and Locker personally appear at this hearing.

18
19 DATED: November 5, 2012

